

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL J. MISKE, JR.,
Defendant.

CR 19-00099-DKW-KJM-1

**COURT PROPOSED SPECIAL
VERDICT FORM – DRAFT ~~1~~2**

COUNT ONE

(18 U.S.C. Section 1962(d) – Racketeering Conspiracy)

1A. With respect to Count One, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

*If you find the Defendant **NOT GUILTY** of Count One, skip Questions ~~1B~~ through ~~1G~~ and proceed to Count Two below.*

*If you find the Defendant **GUILTY** of Count One, proceed to Question ~~1B~~ below.*

1B. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant agreed that one or more members of the conspiracy would commit at least two of the following actstype or types of racketeering activity within a period of ten years of each other (please select all that applya response, but only one response, for each type of racketeering activity below):

i. _____ ~~Murder~~

ii. _____ ~~Kidnapping~~

iii. _____ ~~Arson~~

iv. _____ ~~Robbery~~

- v. ~~_____ Use of Interstate Commerce Facilities in the Commission
_____ of Murder for Hire~~
- vi. ~~_____ Use of a Chemical Weapon~~
- vii. ~~_____ Extortionate Credit Transactions~~
- viii. ~~_____ Travelling in or Using Interstate Commerce Facilities for
_____ [Unlawful Activity]~~
- ix. ~~_____ Hobbs Act Robbery or Extortion~~
- x. ~~_____ Trafficking in Controlled Substances~~
- xi. ~~_____ Wire Fraud~~
- xii. ~~_____ Bank Fraud~~
- xiii. ~~_____ Identity Theft~~
- xiv. ~~_____ Structuring of Financial Transactions~~
- xv. ~~_____ Obstruction of Justice~~
- xvi. ~~_____ Tampering With a Witness, Victim, or Informant~~

		<u>No Act</u>	<u>Single Act</u>	<u>Two or More Acts</u>
<u>1.</u>	<u>Murder</u>			
<u>2.</u>	<u>Kidnapping</u>			
<u>3.</u>	<u>Robbery</u>			

<u>4.</u>	<u>Use of Interstate Commerce Facilities in the Commission of Murder-for-Hire</u>			
<u>5.</u>	<u>Use of a Chemical Weapon</u>			
<u>6.</u>	<u>Travelling in or Using Interstate Commerce Facilities in Aid of Unlawful Activity</u>			
<u>7.</u>	<u>Hobbs Act Robbery or Extortion</u>			
<u>8.</u>	<u>Trafficking in Controlled Substances</u>			
<u>9.</u>	<u>Wire Fraud</u>			
<u>10.</u>	<u>Bank Fraud</u>			
<u>11.</u>	<u>Identity Theft</u>			
<u>12.</u>	<u>Structuring of Financial Transactions</u>			
<u>13.</u>	<u>Obstruction of Justice</u>			
<u>14.</u>	<u>Tampering With a Witness, Victim, or Informant</u>			

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1C. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant

committed, on or about July 30, 2016, murder in the second degree of Johnathan Fraser as that offense is defined in Instruction No. [3433] (select one):

No _____ Yes _____

#

#

1D. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, in or about 2016, attempted to murder in the second degree [Joe Boy Tavares] as that offense is defined in Instruction No. [3433] (select one):

No _____ Yes _____

1E. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, on or about May 23, 2017, attempted to murder in the second degree [Lindsey Kinney] as that offense is defined in Instruction No. [3433] (select one):

No _____ Yes _____

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1F. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant,

from a precise date unknown, but by at least July 2014 and continuing to on or about July 22, 2014, conspired to distribute ~~and~~or possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine as that offense is defined in Instruction Nos. [~~69-70~~63-64] (select one):

No _____ Yes _____

1G. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, from a precise date unknown, but by at least in or about 2016 and continuing to at least in or about August 2018, conspired to distribute and possess with intent to distribute either of the following amounts of controlled substances as that offense is defined in Instruction Nos. [~~71-72~~40-41]:

~~(i) — 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine (select one):~~

~~No~~ _____ ~~Yes~~ _____

(i) ~~(ii)~~ — 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine (select one):

_____ No _____ Yes _____

(ii) 50 grams or more of a mixture or substance containing actual or pure methamphetamine (select one):

No	Yes
#	
#	
#	
#	
#	
#	
#	
#	

COUNT TWO

(18 U.S.C. Section 1959(a)(1) – Murder in Aid of Racketeering)

2. With respect to Count Two, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT THREE

(18 U.S.C. Section 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering)

3. With respect to Count Three, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FOUR

(18 U.S.C. Section 1958 – Conspiracy to Commit Murder for Hire Resulting in Death)

4. With respect to Count Four, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FIVE

(18 U.S.C. Section 1201(a)(1) – Kidnapping Using a Facility of Interstate Commerce Resulting in Death)

5. With respect to Count Five, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT SIX

(18 U.S.C. Section 1201(c) – Conspiracy to Commit Kidnapping Using a Facility of Interstate Commerce)

6. With respect to Count Six, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT SEVEN

(18 U.S.C. Section 1958 – Conspiracy to Commit Murder for Hire)

7. With respect to Count Seven, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT EIGHT

(18 U.S.C. Section 1959(a)(3), (5) — Assault and Attempted Murder in Aid of Racketeering)

~~8.~~ With respect to Count Eight, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

~~Not Guilty~~ _____ ~~Guilty~~ _____

*~~If you find the Defendant **NOT GUILTY** of Count Eight, enter NOT GUILTY for Count Nine below and then proceed to Count Ten.~~*

*~~If you find the Defendant **GUILTY** of Count Eight, proceed to Count Nine below.~~*

COUNT NINE

(18 U.S.C. Section 924(c)(1)(A)(iii) — Carrying and Using a Firearm During and in Relation to a Crime of Violence)

~~9.~~ With respect to Count Nine, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

~~Not Guilty~~ _____ ~~Guilty~~ _____

COUNT TEN

(18 U.S.C. Section 1959(a)(6) – Conspiracy to Commit Assault in Aid of Racketeering)

10. With respect to Count Ten, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT ELEVEN

(18 U.S.C. Section 1201(c) – Conspiracy to Commit Kidnapping Using a Facility of Interstate Commerce)

11. With respect to Count Eleven, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT TWELVE

(18 U.S.C. Section 229(a)(2) – Conspiracy to Use a Chemical Weapon)

12. With respect to Count Twelve, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT THIRTEEN

(18 U.S.C. Section 229(a)(1), (2) – Use of a Chemical Weapon)

13. With respect to Count Thirteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FOURTEEN

(18 U.S.C. Section 229(a)(1), (2) – Use of a Chemical Weapon)

14. With respect to Count Fourteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FIFTEEN

(21 U.S.C. Section 846 – Conspiracy to Distribute and Possess With Intent to Distribute Cocaine)

15A. With respect to Count Fifteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

*If you find the Defendant **NOT GUILTY** of Count Fifteen, skip Question 15B and proceed to Count ~~Sixteen~~Twenty below.*

*If you find the Defendant **GUILTY** of Count Fifteen, proceed to Question 15B below.*

15B. We, the jury, having found the Defendant guilty of Count Fifteen, further unanimously find beyond a reasonable doubt that the conspiracy charged in Count Fifteen involved (select one):

_____ 5 kilograms or more of cocaine.

_____ At least 500 grams but less than 5 kilograms of cocaine.

_____ Less than 500 grams of cocaine.

COUNT SIXTEEN

(21 U.S.C. Section 846 — Conspiracy to Distribute and Possess With Intent to Distribute Controlled Substances)

~~_____ **16A.** With respect to Count Sixteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):~~

~~_____ Not Guilty _____ Guilty _____~~

~~*If you find the Defendant **NOT GUILTY** of Count Sixteen, skip Questions 16B–16C and proceed to Count Twenty below.*~~

~~_____ *If you find the Defendant **GUILTY** of Count Sixteen, proceed to Questions 16B–16C below.*~~

~~_____ 16B. We, the jury, having found the Defendant guilty of Count Sixteen,
further unanimously find beyond a reasonable doubt that the conspiracy charged in
Count Sixteen involved (select one):~~

~~_____ 500 grams or more of methamphetamine.~~

~~_____ At least 50 but less than 500 grams of methamphetamine.~~

~~_____ More than zero but less than 50 grams of methamphetamine.~~

~~_____ Zero grams of methamphetamine.~~

~~_____ 16C. We, the jury, having found the Defendant guilty of Count Sixteen,
further unanimously find beyond a reasonable doubt that the conspiracy charged in
Count Sixteen involved (select one):~~

~~_____ 5 kilograms or more of cocaine.~~

~~_____ At least 500 grams but less than 5 kilograms of cocaine.~~

~~_____ More than zero but less than 500 grams of cocaine.~~

~~_____ Zero grams of cocaine.~~

COUNT TWENTY

(18 U.S.C. Section 1344(2) – Bank Fraud)

1716. With respect to Count Twenty, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT TWENTY-ONE

(18 U.S.C. Section 1512(c)(2) – Obstruction of Justice)

1817. With respect to Count Twenty-One, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT TWENTY-TWO

(18 U.S.C. Section 1512(c)(2) – Obstruction of Justice)

1918. With respect to Count Twenty-Two, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

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DATED: _____, 2024 at Honolulu, Hawai'i.

SIGNED: _____
JURY FOREPERSON